IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

ALHIX OYOQUE, individually and on behalf of all others similarly situated,) Case No. 1:20-cv-3431
Plaintiff,))
	Judge: Hon. Matthew Kennelly
v.	
DEPAUL UNIVERSITY and BOARD OF))
TRUSTEES OF DEPAUL UNIVERSITY,	
)
Defendants.	
)

STATUS REPORT

Plaintiff Alhix Oyoque respectfully submits this Status Report as required by the Court's August 7, 2020 minute order (Dkt. No. 3). The telephonic status hearing is scheduled for September 2, 2020 at 8:50 a.m.

A. Status of Service

Plaintiff has not yet served the complaint in this matter in light of his current intent, as discussed below, to file a consolidated amended complaint. Defendant DePaul University ("DePaul") has agreed to waive service of the amended complaint, when filed. The Board of Trustees of DePaul University will not be included as a defendant in the consolidated amended complaint that Plaintiff anticipates filing in this action in the near future.

B. <u>Description of the Claims and Defenses</u>

Plaintiff Oyoque was an undergraduate student at DePaul in the Winter 2020 and Spring 2020 Quarters when the COVID-19 pandemic hit. On March 11, 2020, DePaul suspended all inperson final exams for the Winter 2020 Quarter and cancelled all in-person classes for the Spring

2020 Quarter. For the remainder of the Winter 2020 Quarter and the entirety of the Spring 2020 Quarter, classes that continued were only offered in an online format, with no in-person instruction. Thus, DePaul has not held any in-person classes since March 11, 2020. Despite this, DePaul has not refunded any tuition or fees to its students. Plaintiff asserts claims for breach of contract, unjust enrichment, and conversion. DePaul has not responded to the complaint, but has indicated that it intends to file a motion to dismiss.

Enrique Chavez and Emma Sheikh filed a related action against DePaul entitled *Chavez* v. *DePaul University* on May 12, 2020. Plaintiffs' counsel in this case and the *Chavez* case have met and conferred and agreed to work together on these cases. The *Chavez* Plaintiffs recently voluntarily dismissed their case with the intention of joining this case. Plaintiffs Oyoque, Chavez and Sheikh anticipate filing a consolidated amended complaint on or before September 8, 2020.

C. <u>Settlement Discussions</u>

To date, the parties have not engaged in any settlement discussions.

D. <u>Proposed Schedule</u>

As indicated above, Plaintiffs anticipate filing a consolidated amended complaint on or before September 8, 2020. The parties have agreed, subject to the Court's approval, to the following schedule for Defendant's motion to dismiss: (1) Defendant's motion will be due on October 20, 2020; (2) Plaintiffs' response to the motion to dismiss will be due on November 20, 2020; and (3) Defendant's reply in support of its motion will be due on December 11, 2020.

The parties request that the Court set the remainder of the case schedule after the decision on Defendant's motion to dismiss.

Dated: August 25, 2020

By: /s/ Carl V. Malmstrom

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